

REMARKS

Status of Claims

Claims 25, 31, and 42 are amended, claim 32 is canceled, and new claims 46-51 are presented. No new matter is entered.

Objection – Specification

Applicant amends the continuity data to include application filing dates and to cancel priority claims to U.S. Pat. Nos. 5,579,767, 5,553,619, and 5,417,213. A Supplemental Application Data Sheet reflecting the amended continuity data accompanies this Amendment.

Claim Rejections – 35 U.S.C. § 101

Claims 25-28 and 30 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter, specifically, for reciting that the operator provides the input to the imaging unit. Claim 25 as amended no longer recites “wherein the operator provides the input to the magnetic resonance imaging unit”

Claim Rejections – 35 U.S.C. § 112, second paragraph

Claims 25-28 and 30 were rejected under 35 U.S.C. § 112, second paragraph, on two grounds: lack of antecedent basis for “the change” and omission of an essential element, specifically, “collecting image data from a periphery of k-space after the image data is collected from a central portion of k-space.”

The amendment to claim 25 resolves the lack of antecedent basis.

Applicant asks the Examiner to reconsider the second ground. The specification paragraph beginning at p. 83, line 8 (paragraph [0224] in the pre-grant publication) discloses: “The remaining portions of k-space data (i.e., the periphery of k-space) may be collected either before or after

contrast arrives in the imaging volume.” Thus the application discloses collecting peripheral k-space data before or after the arrival of contrast agent in the artery of interest and consequently before or after collecting center-of-k-space data.

Claim Rejections – Obviousness-type Double Patenting

Claims 25-28 and 30-45 were rejected for obviousness-type double patenting over claims 1-24 of U.S. Patent No. 6,278,892, claims 1-66 of U.S. Patent No. 5,417,213, claims 1-51 of U.S. Patent No. 5,553,619, claims 1-31 of U.S. Patent No. 5,746,208, claims 1-44 of U.S. Patent No. 5,762,065, claims 1-20 of U.S. Patent No. 6,243,600, and claims 1-21 of U.S. Patent No. 6,889,072, all in view of U.S. Patent No. 5,806,519 to Evans III, et al., or U.S. Patent No. 5,840,026 to Uber III, et al.

But Applicant has already made all disclaimers required to obviate the rejections based on each of these patents. Applicant filed a terminal disclaimer in his U.S. Pat. No. 6,741,881 which obviated obviousness-type double patenting rejections based on U.S. Pat. Nos. 6,278,892, 5,417,213, 5,553,619, 5,746,208, 5,762,065, and 6,243,600. And Applicant filed a terminal disclaimer in the present application with respect to his U.S. Pat. No. 6,741,881. Moreover, Applicant filed a terminal disclaimer in his U.S. Patent No. 6,889,072 to obviate obviousness-type double patenting rejections based on U.S. Pat. Nos. 6,278,892, 5,417,213, 5,553,619, 5,746,208, 5,762,065, and 6,243,600. So Applicant has already made the disclaimer of term and the agreement regarding common ownership for enforceability required to obviate each of the present double patenting rejections.

Provisional Claim Rejections – Obviousness-type Double Patenting

Claims 25-28 and 30-45 were provisionally rejected for obviousness-type double patenting over claims 22-55 of co-pending Application No. 11/493,055, and claims 60-79 of co-pending Application No. 10/808,693, both in view of U.S. Patent No. 5,806,519 to Evans III, et al., or U.S. Patent No. 5,840,026 to Uber III, et al. Applicant asks the Examiner to withdraw these rejections if they are the only rejections remaining in this application (M.P.E.P. § 804(I)(B)).

Dated: March 9, 2009

Respectfully submitted,

By /Peter K. Sollins/
Peter K. Sollins, Reg. #63,713
FOLEY HOAG LLP
155 Seaport Blvd
Boston, Massachusetts 02210
(617) 832-3043
Attorney for Applicant